

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,

Plaintiff,

vs.

DANIAL,

Defendant.

No. C 07-02401 JW (PR)

ORDER DENYING MOTION TO
VACATE JUDGMENT

(Docket No. 8)

Plaintiff filed a motion to vacate judgment (Docket No. 8) pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Rule 59 permits parties to an action in which there has been a trial by jury to move for a new trial for the reasons set forth therein. See Fed. R. Civ. P. 59(a). This action was consolidated with case number C 07-01598 JW (PR), in which there was no trial by jury as Plaintiff's complaint was dismissed pursuant 28 U.S.C. §1915(g). See In re Willie Section 1983 Claims I, No. C 07-01598 JW PR (N.D. Cal. Sept. 25, 2007) (Docket No. 10). Accordingly, Plaintiff's motion is DENIED.

This order terminates Docket No. 8.

DATED: July 7, 2008


JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,
Plaintiff,

Case Number: CV07-02401 JW

CERTIFICATE OF SERVICE

v.

DANIEL,
Defendant.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 7/9/2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Willie Eugene Weaver J-91389
Pelican Bay State Prison
P. O. Box 7000
Crescent City, Ca 95531-7000

Dated: 7/9/2008

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk